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INTERNATIONAL PRELIMINARY EXAMINATION REPORT  
(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference XA1939	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GB 03/04520	International filing date (day/month/year) 20.10.2003	Priority date (day/month/year) 18.10.2002
International Patent Classification (IPC) or both national classification and IPC A62B7/14		
Applicant MCFARLANE, Robert		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.  
  
☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  
  
 These annexes consist of a total of    sheets.

3. This report contains indications relating to the following items:
  - I    ☒ Basis of the opinion
  - II   ☐ Priority
  - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV   ☐ Lack of unity of invention
  - V    ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI   ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application

Date of submission of the demand  17.04.2004	Date of completion of this report  06.12.2004
Name and mailing address of the international preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Schut, T  Telephone No. +49 89 2399-8970  

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/GB 03/04520

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-20 as originally filed

**Claims, Numbers**

1-37 as originally filed

**Drawings, Sheets**

1/8-8/8 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/GB 03/04520**

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	2,4-6,8-30,32,33,35-37
	No: Claims	1-3,7,31,34
Inventive step (IS)	Yes: Claims	15-21,23-25,29
	No: Claims	4-6,8-14,22,26-28,30-33,35-37
Industrial applicability (IA)	Yes: Claims	1-37
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/GB 03/04520

**Re Item V** Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

GB-A-1 462 361 (copy enclosed) discloses an integrated respirator that provides an airtight barrier for a user's head comprising a first rigid helmet (17) and a flexible cowl (11) having an airtight neck seal (p. 1, l. 50-54), wherein the first rigid helmet defines an access aperture suitable for locating directly on a user's head and the flexible cowl (11) is sealably (p. 2, l. 55, 56) fixed (p. 1, l. 28-40) to the first rigid helmet (17) so providing a physical barrier for the access aperture while forming an airtight seal with a user's neck.

Consequently, the subject-matter of claim 1 is not novel.

The features of claims 2, 3 and 7 (cowl-piece 32) also have been disclosed in this document.

The features of claim 1 apart from the airtight neck seal have been disclosed in EP-A-1 210 882 (copy enclosed), see [0014], [0018]-[0022]. The provision of an airtight neck seal is an obvious step in respect of documents GB-A-1 462 361 or WO-A-93/14818 (fig. 2, (52)).

The features of claims 2 (col. 5, l. 58-col. 6, l. 2), 4 and 5 (col. 6, l. 2,3), 6, 8 and 10 (fig. 2a), 9 (fig. 1), 11, (fig. 2a, [0020]), 20 ([0013], (25a)), 22 (col. 5, l. 31-33) and 26 (74) have also been disclosed in EP-A-1 210 882. The features of claim 14 are likely to apply to the respiration system (76) disclosed in this document.

WO-A-93/14818 discloses the features of claims 12 (figs. 1-3), 14 (fig. 3), 27 and 28 (p. 7, l. 22-34).

The features of the method claim 31 are known from EP-A-1 210 882, see [0019-0021]. Consequently, the subject-matter of claim 31 is not novel.

The features of claims 32 ([0013], "location points" are likely to have been provided to ensure consistent assembling) and 34 ([0020], (70d)) are known from EP-A-1 210 882.

The features of claims 33 and 35 appear to involve generally known production methods.

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/GB 03/04520

Since the composition of the coatings or material mentioned in claims 13, 30, 36 and 37 has not been disclosed in the application, it is obvious that these are generally known and will be used by the skilled person if their characteristics are needed to improve the protection and/or comfort provided by the respirator.

The features of the remaining claims (15-21,23-25,29) do not appear to be obvious in respect of the cited documents.

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